



*Office of the United States Attorney
District of Arizona*

PRESS RELEASE

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For Information Contact Public Affairs
HARRIET BERNICK
Telephone: (602) 514-7736
Pager: (602) 356-0004

MESA RESIDENT WITH PRIOR FELONY CONVICTIONS FOR ATTEMPTED ROBBERY, AGGRAVATED ASSAULT AND KIDNAPING SENTENCED TO 7 YEARS IN PRISON FOR POSSESSION OF FIREARMS

PHOENIX, ARIZONA—Paul K. Charlton, U.S. Attorney for the District of Arizona, and Virginia O'Brien, Special Agent in Charge for the Bureau of Alcohol, Tobacco, Firearms and Explosives, announced that on January 27, 2004, DARIO HERNANDEZ, D.O.B. 1-27-1971, of Mesa, Arizona, was sentenced to 84 months in prison and ordered to pay a \$1,000 fine for Felon in Possession of Firearms in violation of 18 U.S.C. § 922(g)(1), by United States District Judge Susan R. Bolton, in Phoenix, Arizona.

On October 29, 2003, Hernandez was found guilty of the offense by a federal jury in Phoenix, Arizona. At trial, the government presented evidence that on January 2, 2003, Hernandez, a felon, knowingly possessed a Norinco, Model SKS, 7.62 X 39mm rifle and a loaded Mossberg, Model 500C, 20 gauge shotgun. The guns were found in Hernandez's bedroom in his home located in Mesa, Arizona. As part of its evidence, the government presented a videotape filmed by, and later seized from, Hernandez which showed the Mossberg shotgun leaning up against a wall in Hernandez's bedroom during a holiday party.

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At sentencing, Judge Bolton considered Hernandez's prior felony convictions for Attempted Robbery, in the Superior Court of Arizona, Maricopa County, Case Number CR-89-06252, on September 22, 1989; and Aggravated Assault and Kidnaping, in the Superior Court of Arizona, Maricopa County, Case Number CR-91-92643, on April 15, 1992. Judge Bolton noted that each of the prior offenses involved the use of a weapon by Hernandez or a co-defendant. In particular, during the 1989 attempted robbery in Scottsdale, Arizona, Hernandez and seven other individuals, including one armed with a handgun, robbed three individuals of jewelry. During the 1991 aggravated assault and kidnaping in Mesa, Arizona, Hernandez held a knife to the throat of a female after she rejected his sexual advances in front of another male in an apartment. After the female called the local police, Hernandez ordered everyone else out of the apartment, placed a knife against the female victim's throat again and ordered her to call the police and cancel her earlier call.

This prosecution is the most recent success for the District of Arizona's Project Safe Neighborhood's firearms enforcement program. The effectiveness of Project Safe Neighborhoods in Arizona is based on the ability of federal, state, and local agencies to cooperate in a unified offensive that is led by United States Attorney Paul K. Charlton. One of the priorities of Project Safe Neighborhoods is the apprehension and prosecution of individuals who have a prior felony convictions for crimes of violence and continue to arm themselves while residing in our local communities.

A conviction for Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1), carries a maximum penalty of 10 years imprisonment, a \$10,000.00 fine or both.

The investigation in this case was conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives, Tempe Police Department and Mesa Police Department.

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